

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DARYL-CHRISTOPHER LANZON,

Plaintiff,

Case No. 18-12819

v.

HON. GEORGE CARAM STEEH

UNADILLA TOWNSHIP POLICE
DEPARTMENT, DAVID RUSSELL,
RAYMOND PRATER, COUNTY OF
LIVINGSTON, 53rd JUDICIAL
DISTRICT COURT, HON. MIRIAM A.
CAVANAUGH, HON. CAROL SUE READER;
JERRY D. SHERWOOD, JR.,
WILLIAM J. VAILLIENCOURT, JR.,
PAMELA J. MASS, KIMBERLEY MORRISSON,
SHAWN M. RYAN, and ROBERT SMITH,

Defendants.

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ORDER GRANTING APPLICATION TO PROCEED
IN FORMA PAUPERIS AND DISMISSING COMPLAINT

Appearing pro se, Plaintiff Daryl-Christopher Lanzon filed a complaint and application to proceed without prepayment of fees on September 11, 2018. The court finds Plaintiff's application to proceed *in forma pauperis* to be facially sufficient and, therefore, grants Plaintiff's motion to proceed without prepayment of fees. See 28 U.S.C. § 1915(a); *Gibson v. R.G. Smith Co.*, 915 F.2d 260, 262 (6th Cir. 1990).

Once a court grants a plaintiff permission to proceed *in forma pauperis*, it must review the complaint pursuant to 28 U.S.C. § 1915(e). The court “shall dismiss” the case if the court finds that it is “(i) frivolous or malicious; (ii) fails to state a claim on which relief may be granted; or (iii) seeks monetary relief against a defendant who is immune from such relief.” 28 U.S.C. § 1915(e)(2)(B). In addition, “a district court may, at any time, dismiss *sua sponte* a complaint for lack of subject-matter jurisdiction pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure when the allegations of a complaint are totally implausible, attenuated, unsubstantial, frivolous, devoid of merit, or no longer open to discussion.” *Apple v. Glenn*, 183 F.3d 477, 479 (6th Cir.1999).

Plaintiff has sued the Unadilla Township Police Department, Police Chief David Russell, police officer Raymond Prater, Livingston County, the 53rd District Court, Circuit Judge Miriam A. Cavanaugh, District Judge Carol Sue Reader, Magistrate Jerry D. Sherwood, Jr., Livingston County prosecuting attorney William J. Vaillencourt, Jr., chief assistant prosecuting attorney Pamela J. Mass, assistant prosecutors Kimberly Morrison and Shawn M. Ryan, and Robert Smith, an intern for prosecutor Morrison. Pursuant to 42 U.S.C. §1983, Plaintiff alleges that Defendants violated his constitutional rights.

Although the factual circumstances surrounding Plaintiff's allegations are not entirely clear, it appears that Plaintiff complains about state court proceedings arising from a traffic stop. Doc. 1 at 5(a). Plaintiff alleges that officer Prater stopped and detained him despite Plaintiff "establish[ing] myself as a Sovereign Common Law Man . . . refuting myself to be any form of Statutory 'person.'" *Id.* Officer Prater "refused to accept the fact that I am not in his jurisdiction" and as a result "I was unlawfully detain[ed] for 28 days." *Id.* Plaintiff further alleges that Magistrate Sherwood "unlawfully & extrajudicially" arraigned him and that Defendants "refused to recognize my status as a Non-US-Citizen American National and State Citizen." *Id.* Plaintiff contends that he was falsely imprisoned for 31 days. Plaintiff seeks damages, "all charges dismissed with prejudice, and my private property returned in the condition it was taken." *Id.*

These allegations mirror those set forth in another action previously filed by Plaintiff, and are equally frivolous. See *Daryl-Christopher Lanzon v. Livingston County*, Case No. 18-12641, E.D. Mich. ("*Lanzon I*"). As the court determined in *Lanzon I*, Plaintiff's claims – which attack the validity of state court proceedings – are barred by the *Rooker-Feldman* doctrine as well as *Heck v. Humphrey*, 512 U.S. 477, 486-87 (1994). *Id.* at Doc. 5. See *Rowe v. City of Detroit*, 234 F.3d 1269, 2000 WL 1679474 (6th Cir. 2000)

(“The *Rooker-Feldman* doctrine provides that federal district courts generally lack jurisdiction to review and determine the validity of state court judgments, even in the face of allegations that “the state court’s action was unconstitutional.”); *Parker v. Phillips*, 27 Fed. Appx. 491, 493-94 (6th Cir. 2001) (holding *Heck* barred claims for false imprisonment or malicious prosecution until the plaintiff had “the conviction overturned on direct appeal or via collateral attack”).

In addition, as in *Lanzon I*, Plaintiff has sued judges and prosecutors, who are immune from suits for damages. See *Fields v. Lapeer Cty. Circuit Court*, 3 Fed. Appx. 377, 378 (6th Cir. 2001) (judges) (citing *Mireles v. Waco*, 502 U.S. 9, 9–12 (1991)); *Manetta v. Macomb Cty. Enforcement Team*, 141 F.3d 270, 274 (6th Cir. 1998) (prosecutors). Plaintiff has not alleged facts that would overcome this general grant of immunity.

Further, Plaintiff’s claim is based upon his alleged status as a “Non-US-Citizen American National, and State Citizen” or “State Citizen of the republic,” which is “completely without merit, patently frivolous, and will be rejected without expending any more of this Court’s resources on [its] discussion.” *United States v. Jagim*, 978 F.2d 1032, 1036 (8th Cir. 1992). See also *United States v. Mundt*, 29 F.3d 233, 237 (6th Cir. 1994) (rejecting argument that the plaintiff was “solely a resident of the state of Michigan

and not a resident of any ‘federal zone’ and therefore not subject to federal income tax laws” as “completely without merit and patently frivolous”);

Payne v. Kilda, 2016 WL 491847 at *4 (E.D. Mich. Jan. 6, 2016)

(“Complaints premised solely on sovereign citizen arguments have “been uniformly rejected by the federal courts.”), *adopted by* 2016 WL 465486

(E.D. Mich. Feb. 8, 2016); *Bellon v. United States Government*, 2006 WL 1134411 (E.D. Mich. Apr. 27, 2006) (“Courts have long found this

‘sovereign citizen’ argument to be frivolous.”).

Consistent with and for the reasons explained in this court’s order of dismissal in *Lanzon I*, IT IS HEREBY ORDERED that Plaintiff’s complaint is DISMISSED.

Dated: October 4, 2018

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on October 4, 2018, by electronic and/or ordinary mail and also on Daryl-Christopher Lanzon, 20860 Trebash Road West, Pinckney, MI 48169.

s/Barbara Radke
Deputy Clerk